

ATTACHMENT D

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

ASTELLAS' INITIAL TRIAL FACT WITNESS LIST

In accordance with this Court's Order (Dkt. 106), Fed. R. Civ. P. 26(a)(3), and L.R. 16.5(c), Plaintiffs Astellas Institute for Regenerative Medicine and Stem Cell & Regenerative Medicine International, Inc. (collectively "Astellas") provide the following fact witness list identifying those fact witnesses it expects it will call, or may call, at trial, other than witnesses for rebuttal or impeachment purposes, as of February 21, 2020.

Below, Astellas has listed in good faith the fact witnesses that it expects to call or may call to testify live or by prior testimony (including possibly by video) at the trial in this action. For prior deposition testimony that is expected to be, or may be, read or played into evidence, Astellas is providing separately those portions of designated testimony, in accordance with the Court's Scheduling Order (Dkt. 106).

Astellas reserves the right to amend and update this list, to submit, as appropriate, additions and/or deletions or revisions to this list as the pretrial and trial process evolves, including meeting and conferring with Defendants on outstanding trial management issues, receiving the Court's rulings on matters such as the parties' respective evidentiary issues (if any), to remove witnesses that prove unnecessary, and to rebut unanticipated evidence presented at trial by Defendants. Astellas reserves the right to call any witness on Defendants' witness list and any witness called

by Defendants. Astellas reserves the right to designate and present the prior deposition testimony of any witness that Defendants have indicated they expect to testify live at trial should such witnesses not come to trial, and furthermore, Astellas expressly reserves its right to introduce deposition testimony in accordance with Fed. R. Civ. P. 32(a)(3).

Astellas also reserves the right to call any witness not listed here as may be necessary to authenticate a document to which an objection is made. Astellas further reserves the right to call any person not listed here to counter surprise by any other party. In addition, Astellas reserves the right to call any person not listed here as may be necessary to cure any objection to any exhibit. Astellas also reserves the right to call any person identified in Defendants' Witness List.

EXPECTS TO CALL

Name	Testify Live/Deposition
Dr. Erin Kimbrel c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live
Dr. Robert Lanza c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live
Dr. Xiaofang Wang c/o Verrill Dana LLP One Federal Street, 20th Floor Boston, MA 02110	Live/Deposition
Dr. Ren-He Xu c/o Verrill Dana LLP One Federal Street, 20th Floor Boston, MA 02110	Live/Deposition

Name	Testify Live/Deposition
Mr. Michael Men c/o Verrill Dana LLP One Federal Street, 20th Floor Boston, MA 02110	Live/Deposition
Dr. Susie Cheng Third Party c/o Leason Ellis LLP 1 Barker Ave White Plains, NY 10601	Live/Deposition

MAY CALL

Name	Testify Live/Deposition
Richard Cassidy c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live/Deposition
Dr. Shi-Jiang Lu c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live/Deposition
Dr. Jianlin Chu c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live/Deposition
Dr. Nicholas Kouris c/o Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004-1304	Live/Deposition

Dated: February 21, 2020

Respectfully submitted,

/s/ David P. Frazier

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